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TAGS: [PREL](#) [PGOV](#) [KDEM](#) [PHUM](#) [KJUS](#) [EG](#)
SUBJECT: PROMINENT REFORMIST JUDGE PLANS TO LEAVE EGYPT
TEMPORARILY

REF: A. 2006 CAIRO 2493
[1](#)B. 2006 CAIRO 2796
[1](#)C. 2006 CAIRO 3006
[1](#)D. CAIRO 1675

Classified By: Minister-Counselor for Economic and Political Affairs
William R. Stewart, for reasons 1.4 (b).

[1](#)1. (C) Summary: Reformist Court of Cassation justice Hisham Bastawisi plans to leave Egypt in early September and spend approximately two years working as a legal advisor in Kuwait. Bastawisi is Egypt's most prominent advocate for increased judicial independence, whose leadership of the Judges Club "revolt" against the GOE over electoral fraud in spring 2006 led to thousands-strong anti-government protests (refs A-C). Bastawisi's name was recently mentioned as a possible presidential candidate by prominent Egyptian-American democracy activist Saad Eddin Ibrahim (currently residing outside of Egypt, due to court rulings against him, ref D). Bastawisi told us that, given how "erratic and irrational" the GOE's behavior has been, he felt it would be best if he left the country temporarily. End summary.

[1](#)2. (C) We met on August 24 with Bastawisi, who plans to leave Egypt on September 10 for a job as a legal advisor to the Kuwaiti Social Solidarity agency. This is not one of the lucrative judicial positions in the Gulf that the GOE routinely provides as a reward to Egyptian judges, but rather is employment that Bastawisi found on his own accord. According to Bastawisi, after Ibrahim and "several others" started touting his name as a potential presidential candidate, he decided that "it would be better" if he left the country. (Note: In a July 28 interview with BBC Arabic, Ibrahim reportedly named Bastawisi and EGIS head Omar Suleiman as possible next presidents of Egypt. We do not know of any others who have publicly mentioned Bastawisi as a potential presidential candidate. End note). Bastawisi said that he was also quietly warned by "people with connections" that it would be prudent for him to leave Egypt "for a while." Remarking that that the government is "feeling tense," Bastawisi said that during the next 2-4 months he expects "more tensions, and perhaps big changes in the National Democratic Party," with Mubarak possibly cementing the succession at the November NDP party conference, "and not in Gamal's favor." Bastawisi repeatedly stressed that "the military is the unknown quantity here) they should not be underestimated. They and us - we all hate Gamal. The regime must see that, and that it is impossible for him to be president."

[1](#)3. (C) Further explaining the reasons behind his imminent departure, Bastawisi said that the GOE is behaving "erratically and irrationally ... they just want to arrest more and more people, to demonstrate their alleged strength, but the reality is, it shows how weak and insecure they are. With a state behaving in that manner, it is better for me to leave." He had previously been forbidden from traveling

internationally, but said that on August 24, he received formal approval for his travel to and employment in Kuwait. We expressed concern that Bastawisi might have trouble returning to Egypt, but he commented that he does not anticipate it will be a problem. Bastawisi noted that while in Kuwait, where he expects to be for two years ("unless the regime changes in Egypt before then"), he anticipates having far more freedom than he does in Cairo to write political commentary and to travel to Europe for conferences and meetings about Egypt.

¶4. (C) Bastawisi, wistfully commenting that he hoped "what happened in the Ukraine will happen in Egypt," said that currently the Kuwaiti authorities are being very welcoming, and "understand my situation," but that it is possible he might be asked to leave Kuwait at some point, due to GOE pressure. He noted that the Canadians have already formally offered political asylum to him, if necessary.

¶5. (C) Comment: Bastawisi's departure will be a major loss for the reformist community in Egypt. He is widely respected and has been a forceful independent advocate for political change. With both Bastawisi and Ibrahim out of the country, Egypt's domestic political scene has lost two of its most prominent and courageous opposition voices.

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